

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND**

LEVEL HEATING AND AIR  
CONDITIONING COMPANY, et al.

Plaintiffs,

v.

PATRIOT CONSTRUCTION, LLC, et al.

Defendants.

Case No. 1:20-cv-03154-CCB

\* \* \* \* \*

**DEFENDANTS' MOTION TO DISMISS PLAINTIFFS' COMPLAINT**

**COME NOW** Defendants, Patriot Construction, LLC ("Patriot") and Hartford Casualty Insurance Company ("Hartford"), by and through their undersigned counsel, and pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, move to dismiss the Complaint filed by Plaintiffs in the above-captioned matter, and state as follows:

1. Pursuant to Rule 12(b)(1), Plaintiffs' Complaint should be dismissed for lack of subject matter jurisdiction.
2. Pursuant to Rule 12(b)(6), Plaintiffs' Complaint should be dismissed for failure to state a claim upon which relief can be granted.
3. Pursuant to Local Rule 105.1, the grounds and authorities in support of Defendants' Motion to Dismiss Plaintiffs' Complaint are set forth in the accompanying Memorandum in Support, which is adopted and incorporated as if fully set forth herein.

**WHEREFORE**, Defendants, Patriot and Hartford, respectfully request that this Honorable Court enter an Order dismissing Plaintiffs' Complaint and for any such other relief as this Court deems just and proper.

Respectfully submitted,

COUNCIL, BARADEL,  
KOSMERL & NOLAN, P.A.

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